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International Convention for the Protection of All Persons from Enforced Disappearance

Report of the Secretary-General

Summary

In its resolution 64/167 on the International Convention for the Protection of All Persons from Enforced Disappearance, the General Assembly called upon States that had not yet done so to consider signing and ratifying or acceding to the Convention as a matter of priority and to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances. It requested the Secretary-General and the United Nations High Commissioner for Human Rights to continue with their intensive efforts to assist States to become parties to the Convention, with a view to achieving universal adherence. It also requested the United Nations agencies and organizations, and invited intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, promote understanding of it, prepare for its entry into force and assist States parties in implementing their obligations under that instrument. Also in resolution 64/167, the Assembly requested the Secretary-General to submit to it, at its sixty-fifth session, a report on the status of the Convention and the implementation of the resolution. The present report is submitted in accordance with that request.

* A/65/150.

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In a note verbale dated 11 May 2010, the Secretariat invited Governments to transmit any information pertaining to the implementation of resolution 64/167. Replies have been received from the Governments of Argentina, Colombia, Cuba, Finland, Georgia, Guatemala, Japan, Mexico, Paraguay, Slovakia and Switzerland. Their responses are summarized in the present report.

The present report also includes information on the activities of the Secretary-General, the United Nations High Commissioner for Human Rights, the Working Group on Enforced or Involuntary Disappearances, United Nations agencies and organizations, and intergovernmental and non-governmental organizations in relation to the dissemination and promotion of the International Convention for the Protection of All Persons from Enforced Disappearance.

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I. Introduction

1. In its resolution 64/167, entitled "International Convention for the Protection of All Persons from Enforced Disappearance", the General Assembly underlined its concern about the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared.

2. In the resolution, the General Assembly welcomed the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance and the fact that 81 States had signed the Convention and 18 had ratified or acceded to it. The Assembly called upon States that had not yet done so to consider signing and ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by December 2009.

3. In the same resolution, the General Assembly requested the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States to become parties to the Convention, with a view to achieving universal adherence.

4. The General Assembly also requested United Nations agencies and organizations, and invited intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances to continue undertaking efforts to disseminate information on the Convention, promote understanding of it, prepare for its entry into force and assist States parties in implementing their obligations under that instrument.

5. The General Assembly welcomed the report of the Secretary-General (A/64/171) and called for him to submit, at its sixty-fifth session, a report on the status of the Convention and the implementation of the resolution.

6. On 11 May 2010, the Secretariat invited States to transmit relevant information pertaining to the implementation of the resolution. Replies were received from the Governments of Argentina, Colombia, Cuba, Finland, Georgia, Guatemala, Japan, Mexico, Paraguay, Slovakia and Switzerland. Their responses are summarized in the present report. The full text of the submissions are available from the Secretariat.

II. Adoption and status of ratifications of the International Convention for the Protection of All Persons from Enforced Disappearance

7. On 29 June 2006, in its resolution 1/1, the Human Rights Council adopted the International Convention for the Protection of All Persons from Enforced Disappearance, as annexed to the resolution and recommended that the General Assembly adopt the Convention.

8. By its resolution 61/177, the General Assembly adopted and opened for signature, ratification and accession the International Convention for the Protection

of All Persons from Enforced Disappearance. The Convention will enter into force after the deposit of the twentieth instrument of ratification or accession (art. 39, para. 1). As at 4 August 2010, 83 States have signed and 19 have ratified or acceded to the Convention; six States have also recognized the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the State party of provisions of the Convention (art. 31); and seven States have recognized the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under the Convention (art. 32).

III. Replies received from Governments

9. The following section provides summaries of replies by States to the invitation of the Secretariat to transmit relevant information pertaining to the implementation of General Assembly resolution 64/167.

Argentina

[Original: Spanish]
[6 July 2010]

Argentina played a highly active role both in the drafting of the text of the Convention and in its subsequent negotiation. Evidence of that fact is that once the inaugural session of the Human Rights Council began, in 2006, the Argentine and French delegations led a group of countries committed to promoting the draft convention, the adoption of which came to be a priority objective of the new body in the area of progressive development of international human rights law.

Hence the two countries, conscious that the adoption of the Convention represented a major step forward in the fight against impunity and in favour of the prevention of enforced disappearance, acted jointly to ensure that the instrument was adopted by the Council by consensus.

Argentina was the first country to sign — and the second to ratify — the International Convention for the Protection of All Persons from Enforced Disappearance, and it has recognized the competence of the Committee on Enforced Disappearances provided for in articles 31 and 32 of the Convention. It should be noted that the Senate is currently debating a bill which would give precedence to the Convention over domestic law.

When ratifying the Convention, in February 2007, Argentina undertook to lead a campaign to promote it with a view to ensuring that it came into force swiftly. This was because Argentina considered that the Convention was not simply another instrument but also a major step forward in the fight to counter impunity and to promote and protect human rights.

Thus, in addition to the information contained in report A/64/171, it is important to note that within the context of the General Assembly, Argentina elaborated and negotiated resolution 64/167 and that in September 2009, the Argentine Minister for Foreign Affairs delivered notes to his peers from all the

countries of the United Nations that had not yet signed or ratified the Convention, in an effort both to convey to them the importance of the instrument with regard to the progressive development of international human rights law and to request them to consider the possibility of signing and/or ratifying it, depending on the case.

Within the framework of the activities and measures of cooperation and joint effort carried out by the State together with non-governmental organizations, Argentina, through the Ministry of Health and the National Memory Archive — National Human Rights Secretariat — signed an agreement with the Argentine Forensic Anthropology Team for implementing, and supporting Argentina in, the Latin American Initiative for the Identification of the "Disappeared".

The initiative, in its regional and local phase, is intended to increase significantly the identification of the remains of persons "disappeared" for political reasons in Latin America.

It should also be pointed out that Argentina has drafted resolutions on the right to the truth that have been adopted by consensus both within the regional system for the protection of human rights (Organization of American States) and within the universal system (United Nations General Assembly, Commission on Human Rights, Human Rights Committee). This is important in connection with the subject under consideration, in view of the fact that the right to the truth and the right of all persons not to be victims of enforced disappearance are intimately related.

Colombia

[Original: Spanish]
[14 June 2010]

Colombia signed the International Convention for the Protection of All Persons from Enforced Disappearance on 27 September 2007, after an extensive interdepartmental review involving various Colombian State entities.

Subsequently, on 26 November 2009, the Ministry of Foreign Affairs, together with the Ministry of Defence, submitted to Congress a bill to approve the Convention in order to follow the procedure for its ratification.

This bill is currently under debate in the Second Committee of the Senate of the Republic, which is responsible, inter alia, for international policy issues and international treaties. The Committee has already held the first of the total of four debates required for the bill's approval, after which it will be discussed in a plenary meeting of the Senate.

The national Government has made and is continuing to make every possible effort to support the bill so that it is approved as soon as possible, while expecting it to be approved by a plenary Senate meeting prior to 20 June 2010, the closing date of the current legislative session, in which case discussion of the bill could be completed in the following session, which begins on 20 July 2010. As soon as the Convention is approved in Congress, the Constitutional Court will consider it, following the procedure established in article 241, paragraph 10, of our Political Constitution. The enabling legislation and the Convention will be referred to the Constitutional Court by the Government within six days of the adoption of the law. While the Court studies the constitutionality of the Convention and its enabling

legislation, any citizen may offer their opinion to defend or challenge it. If the Court's review is favourable, the Government will be able to deposit the respective instrument of ratification.

The Colombian State and Government are committed to the prevention and investigation of any case of enforced disappearance. They have therefore made significant efforts to combat that scourge and seek to reinforce the prevention and investigation efforts by ratifying this important Convention.

Cuba

[Original: Spanish]
[5 July 2010]

Cuba played an active role in the negotiations which led to the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance. Cuba was one of the countries that signed it at the ceremony in Paris on 6 February 2007. On 2 February 2009, it proceeded to ratify this important legal instrument.

The General Assembly's adoption of the International Convention for the Protection of All Persons from Enforced Disappearance marked was a sign of significant progress in international efforts to prevent that practice in the world. It is particularly significant for all the organizations of family members of disappeared persons and other non-governmental organizations which have struggled and continued to make efforts for so many years to prevent such crimes from being forgiven or forgotten and to prevent impunity from prevailing.

The Government of the Republic of Cuba attaches special importance to strengthening international efforts to combat enforced or involuntary disappearances. All aspects of this subject should be taken into account when addressing it through actions and measures to prevent these horrendous crimes from being committed in any part of the world.

The Republic of Cuba's legal system governs and protects the rights of the individual. In accordance with that system, Cuban legislation establishes not only the universally recognized basic legal guarantees for the protection of human rights, but offers substantive guarantees for the real and effective exercise of all human rights, both civil and political, and economic, social and cultural.

Finland

[Original: English]
[27 May 2010]

In Finland, the ratification of the Convention for the Protection of All Persons from Enforced Disappearance is under preparation. The timetable for ratification of the Convention is to be confirmed.

Georgia

[Original: English]
[26 July 2010]

The Government of Georgia aims to eradicate enforced disappearances and ensure that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, are invoked as a justification for enforced disappearance. In this connection, Georgia has acceded to a number of multilateral treaties. The international treaties and agreements concluded by Georgia, where they do not contradict the Constitution of Georgia, take precedence over domestic normative acts.

The Constitution of Georgia, adopted on 24 August 1995, covers basic principles of universally recognized human rights and freedoms. Under the Constitution, cases of restriction of liberty are strictly regulated and consolidated under judicial control.

Notwithstanding the fact that there is no direct indication on the prohibition of enforced disappearances in Georgian legislation, certain provisions of the Criminal Code of Georgia criminalize specific activities related to the noted offence. In particular, the Criminal Code deals with the arrest, detention, abduction or any other form of deprivation of liberty by State agents; persons or groups of persons acting with State authorization, support or acquiescence, followed by a refusal to acknowledge the deprivation of liberty; or concealment of the fate or whereabouts of the disappeared person, thereby leaving such person outside the protection of the law.

Domestic law ensures that all persons, irrespective of quality or rank, are held accountable for offences committed or ordered to be committed. Criminal legislation does not envisage any privilege based on the public or official status of an offender.

Moreover, domestic law and regulations ensure that persons deprived of their liberty are not held in secret or prevented from informing their relatives of their arrest and place of detention. Pursuant to international standards, persons deprived of their liberty are to be held in officially recognized places of detention.

Persons deprived of their liberty are also entitled to be visited by close relatives, a defence lawyer and consular and other diplomatic representatives (for foreign citizens); to have telephone conversations and receive and send correspondence by mail, including parcels and letters; and to leave their place of detention for a short time. Through these means of communication, persons deprived of their liberty have an opportunity to maintain close links with their family members and relatives and inform them of their whereabouts and health condition.

Guatemala

[Original: Spanish]
[1 July 2010]

The State of Guatemala signed the International Convention for the Protection of All Persons from Enforced Disappearance on 6 February 2007. Subsequently, on 12 December 2007, the plenary Congress of the Republic took up bill No. 3736, which had been submitted by the executive branch in order to approve the Convention. The decision of the Foreign Affairs Committee on this bill is currently pending.

Subsequently, a few deputies to the Congress of the Republic submitted bill No. 3590, which approves the establishment of the Commission for the Location of Victims of Enforced Disappearance and Other Kinds of Disappearance. This initiative was considered by the plenary Congress of the Republic on 18 January 2007 and transferred to the Legislation and Constitutional Issues Committee and the Public Finance and Currency Committee, for their consideration and report. A report is currently pending.

Civil society organizations are also making various efforts to locate disappeared persons. One example is the work of the Guatemalan Forensic Anthropology Foundation, which has done pioneering work in carrying out exhumations in order to identify persons who disappeared during the internal armed conflict.

In 1999, the Guatemalan Commission for the Application of International Humanitarian Law was established. It is made up of representatives of entities or units of the three branches of State as well as other autonomous public agencies. Recently, in 2009, the Commission set up a working group with a view to examining, implementing and following up on the recommendations on disappeared persons made to the Government of Guatemala by the International Committee of the Red Cross. This working group, which consists of representatives of the Ministries of Foreign Affairs, the Interior and Defence, the Presidential Commission for Coordinating Executive Policy on Human Rights, the Secretariat for Peace and the Guatemalan Red Cross, have been working on the following five initiatives: inclusion in the Civil Code of the concept of absence and presumed death by enforced disappearance and the relevant procedure; establishment of a national information service to collect and convey information about the situation of persons in the event of armed conflict or internal disturbances; inclusion in the Code of Criminal Procedure of a regulation making it compulsory for the authorities to notify family members of a person's detention or arrest; criminalization of the systematic and deliberate prevention of communication of a detained person with family members; and criminalization of the obstruction of identification of human remains.

Similar work is carried out by the National Reparations Programme, which by the end of May 2010 had submitted to the Public Ministry 9,196 reports of cases of persons who were victims of human rights violations during the internal armed conflict, most of the cases relating to enforced disappearances. This demonstrates the Government's interest in establishing penalties for the intellectual and material authors of such human rights violations.

Japan

[Original: English]
[10 June 2010]

Japan notes that it signed the International Convention for the Protection of All Persons from Enforced Disappearance at a signing ceremony in Paris on 6 February 2007, depositing with the Secretary-General of the United Nations the instrument of ratification of the Convention on 23 July 2009. Japan believes that the significance of the Convention is to confirm enforced disappearance as a punishable offence internationally, and to deter offences of this nature from being repeated in the future. Ratification of this Convention is meaningful in the context of increasing international concern over the issue of enforced disappearance, including abduction. Japan has been urging other States to sign and ratify the Convention.

In July 2009, the "Law for partial amendment to the Immigration Control and Refugee Recognition Act and the Special Act on the Immigration Control of, inter alia, those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan" was promulgated. Accordingly, it was clearly prohibited to expel, return or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or enforced disappearance, as provided in article 16, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance and in the Convention against Torture.

The Government of Japan has posted a Japanese translation of the Convention and news regarding its ratification on a website and included it in the Diplomatic Bluebook of the Ministry of Foreign Affairs to inform the public of its existence and significance.

Mexico

[Original: Spanish]
[19 July 2010]

The Convention was signed by Mexico on 6 February 2007 and the instrument of ratification was deposited on 18 March 2008.

With a view to disseminating the contents of the Convention among the various public administration units and federal entities and in order to prepare for its entry into force, information on General Assembly resolution 61/177, through which the Convention was adopted, was distributed to the offices of government procurators, inter alia, as they are responsible for investigating and prosecuting the crime of enforced disappearance of persons.

In addition, dissemination activities on that subject have been carried out by the Ministry of the Interior. The Mexican State has also adopted various measures in order to achieve the goal of the Convention.

Accordingly, the 2008-2012 National Human Rights Programme refers, in the action lines of goal 4, to promoting, in the federal public administration and the legislative branch, the enactment of a law on the enforced disappearance of persons that is consistent with the United Nations International Convention for the Protection

of All Persons from Enforced Disappearance, which has been signed and ratified by Mexico.

There is also an interdisciplinary committee on reparations for the damage to victims and others affected by human rights violations committed by individuals linked to past social and political movements. The Committee, whose members are from various offices of the federal public administration, is analysing a number of proposals for establishing the form, procedures and terms of reference for making reparations for damage in the 275 cases of enforced disappearance which were confirmed by the National Human Rights Commission in its recommendation 26/2001.

On 12 March 2010, the interdisciplinary group for preventing the enforced disappearance of persons was established in line with the international commitments assumed by Mexico through the international treaties it had ratified on that subject. The interdisciplinary group is the result of all the efforts made to contribute to the measures taken in that area. The interdisciplinary group consists of representatives of the three levels of government and its objective is to establish a coordination mechanism to prevent and eradicate the enforced disappearance of persons by instituting measures and administrative mechanisms and providing training for public officials. It is currently developing the work programme for 2010-2012.

In connection with the specific reference made in the above-mentioned International Convention to the State's obligation to investigate enforced disappearances, the Mexican State has made various reforms to its legal system.

The Mexican State has a technical-legal unit in the Ministry of Public Security which specializes in addressing and investigating complaints and reports of alleged human rights violations which may have been committed by the Ministry's public officials and its local administrative units in order to penalize those responsible as appropriate. The above-mentioned unit is responsible for documenting and making the necessary arrangements in order to establish the facts; it also assists the internal control entities, the Federal Public Ministry and, when appropriate, the legal system, to clarify the relevant administrative, civil and/or criminal responsibilities.

In line with the above, and with a view to preventing human rights violations by members of the Federal Police, there has been a strengthening of training and promotional activities for a culture of human rights, so that officials receive training in international and national human rights standards and humanitarian law on their entry into service and then on a permanent and continuous basis. The National Human Rights Commission has a programme for dealing with complaints involving reports of disappeared persons, a programme implemented by the First Inspectorate General.

The purpose of the programme is to investigate all reports of disappeared persons in which it is presumed or claimed that a State official was involved in the detention of those persons and denied them the protection of the law by concealing or denying knowledge of their location.

To that end, a programme of work is being implemented with a view to, on the one hand, finding the location of such persons, and on the other hand, gathering the evidence needed to establish the historical truth of the events, in order to issue the appropriate decision as required by law.

Paraguay

[Original: Spanish]
[25 June 2010]

The International Convention for the Protection of All Persons from Enforced Disappearance was signed by the Republic of Paraguay on 7 February 2007, and was promulgated by Act No. 3977 of 25 May 2010. The Paraguayan State also ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, which is a valid legal instrument for preventing the application of any temporary or permanent measure that could lead to de facto impunity in cases subject to statutory limitations such as those involving enforced disappearance of persons.

It has been reported that the Directorate-General for Truth, Justice and Reparation of the Office of the Ombudsman, in an effort to ensure the continuity of the work of the Truth and Justice Commission, is contributing to the broader dissemination of the Commission's Final Report and is seeking effective implementation of the conclusions and recommendations formulated by the Commission. One of its main tasks to search for and to locate persons who were victims of enforced disappearance or extrajudicial execution and to conduct the historical and legal investigation.

Since July 2009 to date, the Directorate-General, in conjunction with the Human Rights Directorate of the Ministry of the Interior, the Forensic Science Department of the National Police, and the Public Ministry's human rights prosecutors have been continuing the efforts to find disappeared detained persons from the period 1954-1989. Blood samples of family members are taken for identification and reparations purposes at various locations throughout the country.

The Directorate-General decided to reactivate an agreement with the Argentine Forensic Anthropology Team of the Argentine Republic so that the two entities could coordinate and consult on methodological and archaeological aspects of the excavations, anthropological laboratory tests and the taking of possible bone samples for due identification by DNA extraction, which is thus a continuation of the work that they had begun together during the time of the Truth and Justice Commission.

During the mandate of the Commission, a series of complaints had been made to the Public Ministry relating to cases of enforced disappearance.

The Directorate-General plays an active role in the Standing Committee on Memory, Truth and Justice, which was created during meetings of the relevant senior human rights authorities of MERCOSUR member countries.

The Directorate-General is now implementing all the resolutions of the Standing Committee on Memory, Truth and Justice, which was previously a working group that decided to promote the use of forensic genetics in accordance with international standards accepted by the scientific community in order to contribute to identification of the remains of victims of grave human rights violations. It was also decided to promote the use of forensic genetics to identify persons who had been separated from their families.

The Standing Committee on Memory, Truth and Justice also decided to extend its coordination of positions in order to advocate, within the Human Rights Council, for a new international non-binding instrument on the right to truth. Progress is being made in systematizing the contents and scope of that right and in developing good practices to ensure effective compliance.

The Public Prosecutor's Office of Paraguay has advocated for the investigation of all acts punishable as crimes against humanity or violating human rights. In that connection, with regard to all of the persons prosecuted so far, some are still being investigated, others have been sentenced to terms of imprisonment and others have passed away.

Slovakia

[Original: English]
[20 July 2010]

Slovakia declared its willingness to become a party to the International Convention on the Protection of All Persons from Enforced Disappearance in September 2007, upon signing the Convention. Slovakia is willing to undertake its obligations under the Convention, including the key provisions on international cooperation, prevention and adoption of protective measures after a disappearance occurred. In 2008, Slovakia informed the International Coalition against Enforced Disappearances that it stands ready to recognize the competence of the future Committee on Enforced Disappearances, including its specific competence to consider communications from individuals.

Under article 4 of the Convention, each State party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law. Following the signature of the Convention in 2007, the Ministry of Justice conducted a legal analysis and drafted the amendment to the Penal Code of Slovakia defining the offence of "enforced disappearance". The amendment has not yet been approved by the National Council of the Slovak Republic.

Switzerland

[Original: French]
[24 June 2010]

The Swiss Federal Council reaffirms its support for the Convention, which it considers to be an essential effort for protecting the persons concerned and for strengthening international human rights law. In accordance with domestic procedure and in view of the fact that the cantonal authorities would be directly affected if the Convention were ratified, the cantons were consulted between September and December 2009. The process for signing is currently under way.

IV. Activities of the Secretary-General and the Office of the United Nations High Commissioner for Human Rights

10. Since the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, on a number of occasions the Secretary-General has called upon States to ratify this instrument (see A/63/299, A/63/337 and A/64/186). On 26 June 2010, in his message on the occasion of the International Day in Support of Victims of Torture, the Secretary-General, noting that only two more ratifications were needed for the International Convention for the Protection of All Persons from Enforced Disappearance to enter into force, stated that the Convention would reinforce the international legal framework to combat and prevent this heinous practice. He urged those States which had not ratified the Convention to do so as soon as possible.

11. A number of reports and publications issued by the Secretary-General make reference to the Convention and/or specific articles thereof (see, for example, the 2010 report of the Secretary-General to the Human Rights Council on human rights in the administration of justice, including juvenile justice (A/HRC/14/34), and the 2010 guidance note of the Secretary-General on the United Nations approach to transitional justice).

12. The International Convention for the Protection of All Persons from Enforced Disappearance was highlighted during the treaty-related events organized by the United Nations in New York in 2007, 2008 and 2009, to bolster international law and promote treaty implementation. It is among the multilateral treaties to be highlighted during the 2010 treaty event.

13. In her 2009 "Report on activities and results", the United Nations High Commissioner for Human Rights noted that as a result of the support provided by the Human Rights Adviser of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Ecuador ratified the Convention in October 2009.

14. As described in the strategic management plan for the biennium 2010-2011, one of the six thematic strategies pursued by the United Nations High Commissioner for Human Rights is the strengthening of human rights mechanisms and the progressive development of international human rights law. To advance in this direction, during this period, OHCHR will continue to support the preparation of new instruments and protocols and the establishment of new treaty bodies, including the Committee on Enforced Disappearances. The strategic management plan refers to the status of ratifications of the Convention as at 30 November 2009. It mentions that among the expected accomplishments and strategies, the regional offices for South America and South-East Asia expect to achieve a greater number of countries in their respective regions ratifying, inter alia, the International Convention for the Protection of All Persons from Enforced Disappearance. To achieve this goal, planned activities include seminars, workshops, discussion panels and regional meetings. Similarly, one of the thematic priorities for the OHCHR country office in Nepal includes the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance through sustained advocacy, awareness-raising activities and the provision of technical advice.

15. In her 2010 report to the Human Rights Council on the follow-up to the World Conference on Human Rights (A/HRC/13/26), the United Nations High Commissioner for Human Rights noted that the creation of a treaty body established

by the International Convention for the Protection of All Persons from Enforced Disappearance was imminent.

16. In addition, in the most recent annual report on the activities of her office in Guatemala (A/HRC/13/26/Add.1), the United Nations High Commissioner for Human Rights urged the Congress and the Government of Guatemala to ratify, inter alia, the International Convention for the Protection of All Persons from Enforced Disappearance. In her report on the situation of human rights in Colombia, submitted to the Human Rights Council in 2010 (A/HRC/13/72), through her country office in Colombia, the United Nations High Commissioner for Human Rights welcomed the initial steps taken by the Senate of Colombia towards the prompt and comprehensive ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. She also pointed out that the ratification of the Convention would require aligning national legislation to international standards.

17. On 9 March 2010, during the thirteenth session of the Human Rights Council, the United Nations High Commissioner for Human Rights opened the Panel Discussion on the Right to the Truth, citing the relevant provision of the International Convention for the Protection of All Persons from Enforced Disappearance dealing with the right to know the truth.

18. In addition, in her 2010 report on the right to the truth and on forensic genetics and human rights (A/HRC/15/26), the United Nations High Commissioner for Human Rights highlighted a number of relevant provisions of the Convention.

19. In 2009, OHCHR launched a publication entitled *Amnesties*[1] as part of its *Rule-of-Law Tools for Post-Conflict States* series. This publication, in its chapter on international law and United Nations policy on amnesties, devotes a section to enforced disappearances, in which several articles of the Convention for the Protection of All Persons from Enforced Disappearance are described.

20. The third revision of fact sheet No. 6 on enforced or involuntary disappearances, prepared by OHCHR, contains a section devoted to the International Convention for the Protection of All Persons from Enforced Disappearance and another to exploring the future relationship between the proposed Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances.

21. Updated information on the status of ratification of the Convention can be found on the United Nations and OHCHR websites.

V. Activities of the Working Group on Enforced or Involuntary Disappearances

22. Established by the Commission on Human Rights in its resolution 20 (XXXVI) and renewed by the Human Rights Council in its resolution 7/12, the Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism established with a global mandate. Since its inception, the Working Group has transmitted more than 53,000 individual cases

[1] United Nations publication, Sales No. E.09.XIV.1.

to Governments in more than 90 States. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 42,600 and concerns 82 States. The Working Group has been able to clarify 1,776 cases over the past five years.

23. The Working Group uses every opportunity to promote the ratification of the Convention, including during visits undertaken to different States and bilateral meetings held with its representatives.

24. On 28 August 2009, on the occasion of the International Day of the Disappeared, and on 26 February 2010, on the occasion of its thirtieth anniversary, the Working Group issued public statements in which it called upon all Governments that had not signed and/or ratified the Convention to do so as soon as possible so that the Convention could enter into force. It also called upon States that had not signed or ratified the Convention to do so and, when ratifying the Convention, to accept the competence of the Committee on Enforced Disappearances to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention. The Working Group further affirmed, in its 2009 annual report to the Human Rights Council (A/HRC/13/31), that the entry into force of the Convention would strengthen Governments' capacities to reduce the number of disappearances and bolster the hopes and the demands for justice and truth by victims and their families.

25. In the joint study on global practices in relation to secret detention in the context of countering terrorism, undertaken jointly by the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Working Group on Arbitrary Detention (A/HRC/13/42), the mandate holders recommended States to ratify the Convention.

26. On 8 March 2010, the Chair-Rapporteur of the Working Group presented the Group's 2009 annual report to the Human Rights Council and, on its behalf, invited all States to ratify the Convention and to accept the competence of its Committee under articles 31 and 32. The Working Group expressed its hope that the Convention would enter into force in 2010 as it would complement and strengthen the work of the Working Group and others to combat the heinous crime of enforced disappearance.

27. As part of a series of events and activities being undertaken in 2010 to commemorate its thirtieth anniversary, the Working Group held, on 18 March 2010, a side event entitled "Thirty years between hope and despair: the experience of the Working Group on Enforced or Involuntary Disappearances". A panel session during this event was devoted to the possible collaboration between the Working Group and the Committee to be established after the entry into force of the Convention. In a press statement following the event, the Working Group welcomed the calls made to ratify the Convention.

28. On 21 June 2010, at the end of its mission to Bosnia and Herzegovina, the Working Group acknowledged that Bosnia and Herzegovina had signed the International Convention for the Protection of All Persons from Enforced Disappearance and stated that it looked forward to Bosnia and Herzegovina ratifying

it and recognizing the competence of the Committee on Enforced Disappearances pursuant to articles 31 and 32 of the Convention.

29. On 25 June 2010, at the conclusion of its ninety-first session, the Working Group called on all States that had not ratified the Convention to do so and accept the State and individual complaint procedures.

VI. Activities of United Nations agencies and organizations and intergovernmental and non-governmental organizations

30. A number of United Nations agencies and organizations and intergovernmental and non-governmental organizations have made concerted efforts at the national, regional and universal levels to disseminate information on the Convention, promote understanding of it, prepare for its entry into force and assist States parties in implementing their obligations under this instrument. Examples of these efforts include those summarized below.

31. The United Nations High Commissioner for Refugees (UNHCR) has referred to the Convention in a number of publications and reports (for example, the 2010 Handbook for the Protection of Internally Displaced Persons and the report of the United Nations High Commissioner for Refugees (A/62/12 (Supp.)). The full text of the Convention is accessible from the online Refworld database and it has been published in the Collection of International Instruments and Legal Texts Concerning Refugees and Others of Concern to UNHCR (vol. I).

32. The United Nations Educational, Scientific and Cultural Organization regularly provides information through publications, including those on its website, on the status of ratifications of international human rights instruments, including the Convention.

33. Since the adoption of the Convention, the General Assembly of the Organization of American States has passed several resolutions which include a call to Member States to sign and/or ratify the Convention (for example, AG/RES.2575 (XL-O/10), AG/RES.2594 (XL-O/10) and AG/RES.2595 (XL-O/10)).

34. Since the adoption of the Convention, the European Union has encouraged its signature and/or ratification on several occasions, through bilateral human rights dialogues, démarches and public statements. For instance, on 8 December 2008, in its conclusions on the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, the Council of the European Union invited all States which had not done so to plan to sign and ratify the Convention. In addition, the European Union has promoted the implementation of the Convention, both bilaterally and within the Human Rights Council. In relation to the Council of Europe, the Commissioner for Human Rights has invited a number of States to sign and/or ratify the Convention (for example CommDH(2010)20, CommDH(2009)8 and CommDH(2008)25). By its resolution 1623 (2008), the Parliamentary Assembly of the Council of Europe recommended member States of the Council of Europe and States whose Parliaments enjoy observer status with the Parliamentary Assembly to ratify, if they had not done so, and fully implement, inter alia, the Convention. In addition, on 16 January 2008, at the 1015th meeting of the Ministers' Deputies, the Committee of Ministers of the Council of Europe adopted its reply to Parliamentary Assembly Recommendation 1801 (2007), in which it recalled the Convention and

affirmed that its entry into force would significantly contribute to combating the practice of enforced disappearances.

35. Regarding civil society, Amnesty International is actively campaigning for ratification and effective implementation of the Convention. To mark the International Day of the Disappeared on 30 August 2009, Amnesty International's campaigning — including through its national sections and worldwide membership — targeted as a priority 10 countries with the aim of securing the ratifications required for the entry into force of the Convention. In this connection, a web page and a web action targeting those 10 countries went live on its website on 28 August 2009; several documents were prepared to mark this day, including two campaign digests calling for ratification of the Convention in Africa and Europe; and Amnesty International's members in several countries wrote letters to the authorities of the target countries urging for ratification. In addition, as part of its ongoing country-related work, Amnesty International regularly calls on States to ratify the Convention and — for the Convention to be effective — to introduce legislation to implement it. The organization also often cites articles of the Convention in its documents.

36. Human Rights Watch has issued several press releases, reports and statements, and has also sent several letters calling on States to adhere to the Convention and/or referring to the provisions of this international instrument.

37. The International Commission on Missing Persons has organized and participated in several promotion and advocacy activities related to the Convention.

38. The International Coalition against Enforced Disappearances, which comprises several non-governmental organizations, has engaged in a number of activities to promote the Convention through its focal point. These include sending letters to Heads of State in 2007, ministers for foreign affairs in 2008 and national parliaments in 2009; coordinating national campaigns in more than 20 countries; and maintaining the Coalition's website.

39. The "Linking Solidarity" team of Aim for Human Rights has organized, inter alia, training sessions, seminars and conferences on the Convention. It has also issued a primer on the Convention in English, French and Spanish. These activities are aimed at promoting the Convention and making it accessible for civil society organizations working in this area.

40. The non-governmental organizations TRIAL (Track Impunity Always), the Asian Federation against Involuntary Disappearances, Odhikar, the Lebanese Centre for Human Rights, the Human Rights Commission of Pakistan and the Working Group on Justice for Peace have also undertaken a number of activities to disseminate information on the Convention and/or promote its ratification.